

**REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building  
Room 210  
9:00 a.m.  
July 20, 2016  
Telephonic Meeting

**MINUTES**

**DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Jeffery Nielsen, Chief Investigator  
Justin Barney, Hearing Officer  
Elizabeth Harris, Assistant Attorney General  
Amber Nielsen, Board Secretary  
Jennica Gruver, Real Estate Education Coordinator  
Van Kagie, Investigator  
Mark Schaerrer, Investigator  
Kadee Wright, Investigator  
Sarah Nicholson, Investigator  
Chris Martindale, Investigator  
Jill Kelsch, Division Staff  
Hillarie Murray, Division Staff

**COMMISSION MEMBERS PRESENT:**

Russell K. Booth, Chair  
Lerron Little, Vice Chair  
Lori Chapman, Commissioner  
William O. Perry, IV, Commissioner  
Calvin R. Musselman, Commissioner

**GUESTS:**

David Willis	Brian Swan
Dan Naylor	Kreg Wagner
Shane Norris	Kevin Swenson

The July 20, 2016 meeting of the Utah Real Estate Commission began at 9:01 a.m. with Chair Booth conducting.

**PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes – A motion was made and seconded to approve the minutes as

written from the June 15, 2016 meeting of the Commission. Vote: Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Musselman, yes. The motion was approved.

Chair Booth opened the floor to David Willis. Mr. Willis presented concerns with how commercial transactions are handled, especially by agents who are not listing on the MLS. Mr. Willis' main concern is the lack of sharing of information amongst parties while negotiating the terms of a transaction. Mr. Willis is requesting the Commission consider drafting a rule which would require written notification of terms at the beginning of the negotiations. The Commission discussed this issue. Chair Booth recommends that more research be done before making any decisions to change anything.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart announced both Chair Booth and Vice Chair Little have been approved by the Governor and confirmed by the Senate to serve a second term on the Real Estate Commission. Director Stewart proposes at the next meeting they be sworn in for their second terms and that nominations are held for the next year.

Director Stewart announced at the next meeting he will hopefully be able to present to the Commission any proposed legislation for the next year.

### **ENFORCEMENT REPORT – Jeffery Nielsen**

Mr. Nielsen reported in the month of June the Division received 22 complaints; opened 31 cases; closed 13 cases; leaving 244 open cases. There are 57 cases assigned to the AG's office.

#### Stipulation for Review

William J. Ross  
Jennifer Beuhring  
Justin R. Traver

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren noted there was an increase of 48 licensees which was lower than there had been in the past several months which was an average of 124 new licensees. This may have been just a bump in the road or may have been due to the licensing staff shortage at the Division.

Mr. Fagergren announced the Division has a new employee named Hillarie Murray. She worked previously approving government grants and in the insurance industry. The Division is glad to have her. Next Wednesday we will also have another individual begin working for the Division.

Mr. Fagergren announced the Instructor Development Workshop will be October 25<sup>th</sup> and 26<sup>th</sup>. This course is for instructors but agents could come based on the capacity requirements with the facility. The Keynote Speaker Eric Storey is a success story who was inspired by the IDW and improved his instruction. He received the Distinguished Real Estate Instructor designation. He brought to the Commission to have Water Law be included as a core topic. The IDW will be held at the Park City Marriott.

There are no education stipulations for review.

#### **HEARING OFFICER REPORT – Justin Barney**

There are no licensing stipulations for review.

Mr. Barney expressed the Division's gratitude to the individuals who have been participating in the Advertising Rules Subcommittee.

#### **COMMISSION AND INDUSTRY ISSUES**

Vice Chair Little reported the Advertising Rules Subcommittee is working toward proposing a rule change. Most of the progress is the same as last month. Vice Chair Little reported there will be a proposal to remove the font size requirement and replace that language which would require brokerage names to be clear and conspicuous. With regards to social media and electronic communication, there has been discussion to adopt the one click rule in an effort to avoid blind ads. There was also discussion whether a buyer agent should be required to disclose that they are an agent as an owner agent is required to disclose this information.

The topic Mr. Willis brought up was briefly discussed. Chair Booth proposes this issue be discussed at a later time with more information. Commissioner Perry would like to hear more experiences about this issue since he has not heard of this problem before. Vice Chair Little feels this is part of a broader conflict. Chair Booth feels more information would be needed before any decisions can be made.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

**CLOSED TO PUBLIC**

An Executive Session was held from 10:14 a.m. to 11:10 a.m.

**OPEN TO PUBLIC**

**Results of Executive Session**

Results of Stipulations

William J. Ross – Approved with Division Concurrence

Jennifer Beuhring – Approved with Division Concurrence

Justin R. Traver – Approved with Division Concurrence

A motion was made and seconded to adjourn the meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The meeting adjourned at 11:11 a.m.